



Natural Resources Conservation Service
375 Jackson Street, Suite 600
St. Paul, MN 55101-1854

70 Years
"A Partner in Conservation Since 1935"

Phone: (651) 602-7900
FAX: (651) 602-7914

Transmitted via E-mail

August 1, 2005

MINNESOTA Bulletin 180-5-4

SUBJECT: CPA - Certified Wetland Determinations

Purpose. To provide guidance on conducting certified wetland determinations for administration of the Wetland Conservation (WC) Compliance Provisions

Expiration Date. September 30, 2005

Background. The NRCS is currently in the process of revising the National Food Security Act Manual (NFSAM) to improve administration of the WC Provisions. The revised NFSAM will clarify procedures for conducting certified wetland determinations to comply with current statutory requirements. The information provided in this bulletin is being distributed in advance of the revised NFSAM, and is for immediate use in administering the WC Provisions.

The current NFSAM, Part 514.11, states that NRCS will provide a certified wetland determination when an NRCS-CPA-38 form is received from the USDA program participant, or when a potential WC violation has been reported. However, as the revised NFSAM will clarify, a CPA-038 form is not required for NRCS to conduct a certified wetland determination for the purpose of determining eligibility for USDA program benefits. **This bulletin officially cancels the use of form NRCS-CPA-038, all field staff will immediately discontinue use of this form.**

Persons who wish to participate in any applicable USDA programs must complete form AD-1026, which allows NRCS to conduct appropriate certified wetland determinations. The producer's signature on form AD-1026 provides authorization for NRCS to conduct certified wetland determinations and gives representatives of USDA authorization to enter upon and inspect all farms in which the producer has an interest for the purpose of confirming their AD-1026 statements.

Accordingly, NRCS may conduct certified wetland determinations when a signed AD-1026 is received that indicates a program participant has conducted or intends to conduct any activity that may be subject to the WC Provisions. Upon receipt of the revised NFSAM, certified determinations will be required in order to respond to an AD-1026 request.

This change in policy could result in a significant increase in the workload necessary to develop certified wetland determinations. Field staff making certified wetland determinations may need to contact their Area office for assistance with developing a prioritization process to better manage their AD-1026 workload. Field staff will retain their current flexibility in determining the scope and extent of the area needing a certified determination. In many cases the certified determination

will only need to be completed on the area the program participant has conducted or intends to conduct an activity. When requested by the participant, or when it's determined to be expedient NRCS can complete certified determinations on a field or an entire tract basis. Each Area can set their own policy on the minimum extent of area (field or tract) required for a certified wetland determination.

When completing partial certified wetland determinations the communication to the producer must clearly indicate that other wetland areas could exist on the non-inventoried portion of the tract. The state office is currently investigating different possible procedures for tracking and mapping certified wetland determinations and additional guidance will be distributed when a procedure is defined. Later this year we will also distribute guidelines to prioritize the servicing of AD-1026s requiring certified wetland assistance.

These clarifications for administering the WC provisions will be incorporated into the NFSAM in the near future. Questions on the information in this bulletin can be directed to your respective Area wetland specialist.

/s/

WILLIAM HUNT
State Conservationist

DIST: AC
FO
Wetland Specialists